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Date: JUN 25 2015

Mr. Jim Miller
Friends of the Bitterroot
Box 442
Hamilton, MT 59840

Dear Mr. Miller:

This letter is in response to your objection to the Darby Lumber Lands Phase I Project on the Bitterroot National Forest (Forest). The Responsible Official, Bitterroot Forest Supervisor Julie King, and I as the Objection Reviewing Officer have read your objections and suggested remedies, and reviewed the Environmental Assessment (EA) and draft Decision Notice/Finding of No Significant Impact (DN/FONSI), the project file, and the comments submitted to this project. This letter details my responses to the objections based on my review and understanding of the disclosed environmental effects of this project in accordance with 36 CFR 218, *Project Level Predecisional Administrative Review Process*.

The responsible official and I have reviewed the project in light of the issues presented in your objections. I have considered the issues and suggested remedies and included my reasons for response to these issues, which are detailed below.

The regulations allow for the parties to meet in order to resolve issues (36 CFR 218.11(a)). A resolution meeting/conference call was held June 22, 2015, with participation of all objectors, the Forest Supervisor Julie King with members of her staff, and me. I appreciated the opportunity to gain a better understanding of your concerns. After lengthy discussion, no resolution of your objection issues was reached.

This letter satisfies the requirements of 36 CFR 218.11, *Resolution of Objections*. No further review from any other Forest Service or U.S. Department of Agriculture official of my written response to these objections is available.

Response to Objections

I have reviewed your issues and concerns and offer the following responses to the issues you raised in your letter.

Issue 1: You allege the project's EA violates the National Environmental Policy Act (NEPA) because they use an inappropriate roads database, which has errors and incorrect motorized access restriction information.



Response: It is unclear what part of NEPA, or its associated case law, you feel is violated. I assume you are alleging the roads database is not the “best available” information because it has errors, namely that not all motorized use designations are the same as noted in historical project-level decisions for parts of the current project area.

The Forest responded to this comment (Draft DN/FONSI Appendix B, p. 47, Letter 6, Comment 52). The Forest uses the INFRA database for travel management assessment, not the 2005 Travel Map as suggested. INFRA is the roads database of record for the Forest: no other database of motorized travel status is maintained.

Your list of “59 roads” allegedly opened to off-highway vehicles less than 50 inches in width has only three roads on it that are in the project area. Their current and proposed designations are shown in the table below.

Road #	Area	Current status (INFRA database)	Proposed status (Darby LL Project)
13252	NF Rye Creek	R-6	R-1 (closed)
1392	Sleeping Child, “Burn Road”	R-4	R-4
62833	Cathouse Cr	R-1 (stored)	R-1 (stored)

The INFRA database is updated after project decisions, is the best information available, and best reflects current management on the ground for effects determination. After considering the options, the Responsible Official determined that although INFRA may have errors, it is the best database available to determine baseline conditions for this project. Regardless, NEPA is forward-looking. The EA for this project has assessed the effects to resources based on the existing condition and the proposed action. There is no NEPA violation.

Issue 2a: You contend the Forest Service violates NEPA by failing to adequately address the needs of big game species, as represented by elk. You object to the proposed loop routes.

Response: In response to this and similar comments on elk habitat, several changes to the proposed action were included in the Revised EA (Revised EA p. 23, draft DN p. 20). These changes include dropping the most controversial proposed route (“Fishtail” or FR 5610), and adding several miles of currently open road to the closed/stored candidates. With these changes, elk habitat metrics improved for Alternative B, with none showing negative changes and several showing positive changes.

Your comments on the Draft EA referenced several measures used to evaluate potential disturbance effects of motorized use to elk. A lengthy response to those comments can be found in FONSI Appendix B. Analysis of project effects to elk is contained in the Revised EA at Section 3.5.7 (pp. 80 to 89). I do not find a violation of NEPA regarding big game.

Issue 2b: You contend the Forest Service did not properly identify a need for a site-specific amendment to the Forest Plan regarding the elk habitat effectiveness (EHE) standard, which violates the 2012 National Forest Management Act (NFMA) Planning Rule at 36 CFR 219.13 219.16 and 219.17.

Response: 36 CFR 219.16 (b) states “when a plan amendment is approved in a decision document approving a project or activity and the amendment applies only to the project or activity, the notification requirements of 36 CFR part 215 or part 218, subpart A, applies instead of this [219] section.” The general provisions of Part 218 subpart A allows for the administrative review of a pending decision based on environmental analysis conducted pursuant to NEPA. The site-specific plan amendment for EHE would be part of the decision made for Darby Lumber Lands, and apply only to this project (DN Appendix A).

A reading of the Revised EA reveals that the Forest disclosed the possible need for a site-specific Forest Plan amendment for EHE on pp. 8, 9, 12, 83, 89, and 90. There is no NFMA violation.

Issue 2c: You contend the EA fails to properly document how the best available scientific information was used in the preparation of the EHE amendment, in violation of the Planning Rule at 36 CFR 219.14.

Response: The site-specific amendment for Darby Lumber Lands was initiated under the prior planning regulations, thus there is no violation of 36 CFR 219.14. See transition language at 36 CFR 219.17(b)(2).

NEPA requires scientific integrity. The EHE supports the Forest Plan objective of maintaining habitat to support viable populations of wildlife species, particularly elk. All evidence indicates the elk population in both the local hunting district and in Montana’s Bitterroot Valley far surpasses the Forest Plan objective, regardless of the existing open road densities. This information comes from Montana Fish, Wildlife and Parks monitoring data, and is discussed at length in the EA (pp. 80 to 89). The information on elk meets NEPA’s scientific integrity requirements.

Issue 2d: You contend a NEPA violation because the EA failed to fully analyze an action alternative that would not require such amendments, so that the decision maker and public could determine the impacts of un-amended forest plan implementation.

Response: NEPA requires that agencies rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their elimination.

The Forest considered an alternative that would meet the Forest Plan standard for EHE, but did not analyze it in detail for the reasons described in Revised EA p. 21, Draft DN pp. 15-17, and the Draft DN Appendix B, pages 14 and 49. Project File documents PF-WILD-039 and -042 include the analysis that portrayed the effects of fully meeting the EHE standard.

Issue 2e: You assert that the EA also did not analyze a wide enough range of alternatives to make substantial improvements in habitat security, based on Hillis et al. (1991), Lyon 1983, and USDA Forest Service 1982, in violation of NEPA.

Response: Alternatives are useful to compare environmental impacts. The proposed action was altered to address concerns, as described in response to Issue 2a, above. The effects analysis reveals that appropriate levels of secure habitat exist, and will continue to exist with the implementation of the proposal, to support elk and meet the goals and objectives of the Forest

Plan. Since appropriate levels of secure habitat continue to exist under the alternatives analyzed in the EA, there is no merit in developing another alternative to analyze the same thing.

NEPA requires scientific integrity. The security analyses used and cited the scientific publications you mention. There is no NEPA violation.

Issue 2f: You suggest the Forest prepare a forest-wide plan amendment to replace the EHE road density standard with the EHE Index motorized route density standard.

Response: A Forest-wide plan amendment would be beyond the scope of this project. The Forest considered the EHE “Index” in this project assessment, along with the Forest Plan EHE standard, but there is no Forest Plan standard attached to the Index at this time.

Issue 3a: You contend that the FEIS does not demonstrate project consistency with the Travel Management Regulations at 36 CFR 212, particularly in regard to the “minimization criteria”. You also contend that the EA failed to analyze the implications of insufficient enforcement of closures worsened by the proposed increases in motorized trails systems, which would not be patrolled as readily as roads. Other contentions regarding 36 CFR 212 (i.e., the Forest did not use the best available science, and did not use a minimum roads analysis per subpart A of 36 CFR 212), were not previously commented on.

Response: The Forest completed a compliance check for 36 CFR 212.55 in the project record, including descriptions regarding the minimization criteria (PF-LAWS-001). This project record document is cited in the EA. There are several places in the draft DN/ FONSI that speak to minimization of effects to various resources (Table 2.6-1), including those you brought up in your comment letters (e.g., elk habitat, dust/sediment in streams). It is clear that all the factors were considered in the project documentation; however, there is no discussion in the DN/FONSI regarding minimization criteria or how it was applied.

Regarding the issue of insufficient resources to enforce closures, the Forest added new discussion and project file documents between the draft and revised EAs. Comments on funding and “resources” available for maintenance and implementation of the project are responded to in the FONSI Appendix B – updated. Your prior law enforcement comments on the draft EA were responded to by the Forest (*ibid*). Similar comments from other authors were also responded to in Appendix B of the FONSI. Also, an additional monitoring item was added (revised EA, p. 20) in response to comments on potential unauthorized route development and law enforcement issues.

While your objection points regarding the Travel Analysis Process lack standing, I will address them briefly, as well as the suggested remedies. The Forest completed a project-level TAP and a roads analysis (risk/benefit) worksheet prior to scoping (PF-TRANS-001). This information has been available on the Forest website since early in the scoping period. A Forest-wide TAP would be beyond the scope of this project. Additionally, it is clear in Forest Service Manual 7712 that identifying the minimum road system for National Forest System lands is not required in conjunction with travel planning projects. However, the Forest is in the process of completing Subpart B as a separate analysis.

Instructions: Clarify and explain in the decision document how the minimization criteria were considered and applied in the trail and area designation process.

Issue 4: You allege the Forest Service violates NEPA because the project assessment was carried out separately from the Forest-wide Travel Planning Project. You suggest a Forest-wide motorized recreation needs assessment must be conducted. You include concerns for fisheries and elk.

Response: Council on Environmental Quality regulations developed to support NEPA require consideration of cumulative effects of past, present and foreseeable projects that are affecting, or have the potential to affect natural resources of the project area. The information presented should be commensurate with the impacts of the project, i.e., a greater degree of detail is needed for more potentially serious impacts. Cumulative effects of the Forest-wide Travel Planning were considered in this project.

With the exception of proposing a change to several single-track trails from open year-long to open seasonally, the Forest-wide project defers changes in motorized access within the Darby Lumber Lands area. This is due to the higher level of analysis conducted and the specific focus of the Darby Lumber Lands project. The Forest-wide Travel Planning project will not determine “need” for recreational motorized routes within the Darby Lumber Lands project area, or anywhere else. The various resource assessments in the Darby Lumber Lands Project Revised EA serve to determine the potential effects of the proposed changes in motorized access, which overall, would be positive for the resources and counter to your claims.

The Darby Lumber Lands project will result in an overall reduction in motorized access and its associated environmental effects to fish and game, regardless of proposed changes in motorized designation on several roads from closed to open. Further detailed assessment is not warranted. NEPA requires consideration of cumulative environmental effects of other past, present or foreseeable future projects, but does not require the Forest-wide assessment of “need” you refer to. The Revised EA is clear regarding how the Responsible Official determined the Purpose and Need for this project. This project’s potential for adding to cumulative environmental effects of the road and trail system is included in the Revised EA. It is my conclusion that the timing of the two projects does not violate NEPA, and cumulative effects of this project and the proposed Forest-wide Travel Plan have been sufficiently considered.

Issue 5: You contend the Darby Lumber Lands Phase 1 EA failed to analyze effects to wilderness character of the Inventoried Roadless Area (IRA), and therefore violates NEPA.

Response: The Darby Lumber Lands Phase 1 EA clearly includes an effects analysis for the Sleeping Child IRA, and may be found on pages 34 to 36.

Summary

In conclusion, I have reviewed your assertions that the project violates various environmental laws, regulations, policies, and the Forest Plan. My review finds the project is in compliance with applicable laws and the Forest Plan. I have, in instances, provided instructions for the Forest to provide additional or clarifying information to better demonstrate compliance with law, regulation, or policy.

My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available (36 CFR 218.11(b)(2)).

Sincerely,



DAVID E. SCHMID
Acting Regional Forester

cc: Julie King
Ray G. Smith
Kim Smolt
Amy Fox